

1 WEST & ASSOCIATES, A PC  
2 STUART J. WEST (State Bar No. 202041)  
3 2815 Mitchell Drive, Suite 209  
Walnut Creek, CA 94598  
Telephone: 925.262.2220  
Facsimile: 925.262.2205  
4 Email: [swest@westpatentlaw.com](mailto:swest@westpatentlaw.com)

5 Attorneys for Defendants/Cross-Defendants/Counter-Claimants  
MYTALK, Inc & MICHAEL HODGE

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7 UNITED STATES DISTRICT COURT  
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
9 SAN FRANCISCO DIVISION

10 ALIPHCOM,

11 Plaintiff/Counter-Defendant/  
Cross-Complainant,  
12  
v.

13 MYTALK, INC. dba MYTALK, a Delaware  
14 Corporation, MICHAEL HODGE,  
15 individually and doing business as MYTALK  
SOCIAL NETWORKS, INC., and DOES 1-  
10,

16 Defendants/Cross-  
17 Defendants/Counter-Claimants.

Case No. C10-04918 EDL

**STIPULATION AND [PROPOSED]  
ORDER RE: EXTENSION OF FACTUAL  
DISCOVERY DEADLINE**

Ctrm. E, 15<sup>th</sup> Floor  
Judge: Hon. Elizabeth D. Laporte

Complaint Filed: October 29, 2010

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1 Pursuant to the Court's Case Management and Pretrial Order for Jury Trial, the parties, by  
2 and through their counsel, hereby stipulate as follows:

3 WHEREFORE, on February 11, 2011, the Court issued a Case Management and Pretrial  
4 Order ("Order") setting a deadline for completion of factual discovery by August 1, 2011;

5 WHEREFORE, the parties have each propounded several sets of Interrogatories and  
6 Requests for Production and the parties are continuing to respond and supplement responses to  
7 this written discovery;

8 WHEREFORE, the parties have noticed the depositions of party and third party factual  
9 witnesses, but have agreed to delay taking the depositions until each party's production of  
10 documents and other information is complete or nearly complete;

11 WHEREFORE, due to the above, the parties are unable complete the noticed depositions  
12 by the deadline August 1, 2011;

13 WHEREFORE, the parties have met and conferred and agreed to complete the noticed  
14 depositions during a two week period in August;

15 WHEREFORE, accordingly, the parties seek to extend, by one month, the factual  
16 discovery cut off until September 1, 2011 to allow for the currently-noticed depositions to be  
17 taken, as well as depositions of any newly-disclosed witnesses;

18 THEREFORE, FOR GOOD CAUSE SHOWN, IT IS HEREBY STIPULATED by and  
19 between the parties that the factual discovery deadline be rescheduled as follows:

20 (1) The parties be allowed until September 1, 2011 to complete the following  
21 factual discovery: (a) depositions that were noticed before the original  
22 August 1, 2011 deadline; and (b) depositions of any other factual witnesses  
23 whose identities were not disclosed prior to July 18, 2011. The original  
24 August 1, 2011 deadline will apply to all other factual discovery, and the  
25 deadline to file motions to compel shall be extended to September 8, 2011.

26 (2) All other deadlines set forth in the Order shall remain the same.

1 DATED: August 1, 2011

KILPATRICK TOWNSEND & STOCKTON LLP

3 By: Holly Gaudreau/

4 TIMOTHY R. CAHN

HOLLY GAUDREAU

JENNIFER D. ARKOWITZ

5  
6 Attorneys for Plaintiff/Counter-Defendant/Cross-  
7 Complainant  
8 ALIPHCOM

9 DATED: August 1, 2011

WEST & ASSOCIATES, A P.C.

10 By: Stuart J. West/

11 STUART J. WEST

12 Attorneys for Defendants/Cross-Complainants/Counter-  
13 Defendants MYTALK, INC. dba MYTALK,  
14 MICHAEL HODGE, individually and doing business  
as MYTALK SOCIAL NETWORKS, INC.

15 **PURSUANT TO STIPULATION, FOR GOOD CAUSE SHOWN, IT IS SO ORDERED.**

16  
17 August 2  
18 DATED: July, 2011

  
19 Hon. Elizabeth D. Laporte  
United States District Judge

20  
21 **GENERAL ORDER ATTESTATION**

22 I, Stuart J. West, am the ECF user whose ID and password are being used to file this  
23 STIPULATION AND [PROPOSED] ORDER RE: EXTENSION OF FACTUAL DISCOVERY  
24 DEADLINE. In compliance with General Order 45, X.B., I hereby attest that Holly Gaudreau has  
25 concurred in this filing.

26  
27 /Stuart J. West/

Stuart J. West

28 63624349 v1

STIPULATION AND [PROPOSED] ORDER RE: EXTENSION OF FACTUAL DISCOVERY  
DEADLINE  
Case No. C10-04918 EDL

1 **PROOF OF SERVICE**  
2 [C.C.P. §§ 1011 and 1013, C.R.C. § 2008, F.R.C.P. Rule 5, F.R.A.P. 25]

3 I declare that I am employed in the City of Walnut Creek and County of Contra Costa,  
4 California; I am over the age of 18 years and not a party to the within action; my business address is  
5 2815 Mitchell Drive, Suite 209, Walnut Creek, CA 94598. On the date set forth below, I served a  
true and accurate copy of the document(s) entitled:

5 **STIPULATION AND [PROPOSED] ORDER RE: EXTENSION OF FACTUAL  
6 DISCOVERY DEADLINE**

7 on the party(ies) in this action by placing said copy(ies) in a sealed envelope each addressed as  
8 follows:

9 KILPATRICK TOWNSEND & STOCKTON LLP  
10 Timothy Cahn & Holly Gaudreau  
11 Two Embarcadero Center Eighth Floor  
12 San Francisco, CA 94111  
13 Telephone: (415) 576-0200  
Facsimile: (415) 576-0300  
Email: [tcahn@kilpatricktownsend.com](mailto:tcahn@kilpatricktownsend.com)  
[hgaudreau@kilpatricktownsend.com](mailto:hgaudreau@kilpatricktownsend.com)  
[jarkowitz@kilpatricktownsend.com](mailto:jarkowitz@kilpatricktownsend.com)

13 *Attorney for Plaintiffs*

14  [By First Class Mail] I am readily familiar with my employer's practice for  
15 collecting and processing documents for mailing with the United States Postal Service. On the date  
16 listed herein, following ordinary business practice, I served the within document(s) at my place of  
17 business, by placing a true copy thereof, enclosed in a sealed envelope, with postage thereon fully  
prepaid, for collection and mailing with the United States Postal Service where it would be  
deposited with the United States Postal Service that same day in the ordinary course of business.

18  [By Overnight Courier] I caused each envelope to be delivered by a commercial  
carrier service for overnight delivery to the offices of the addressee(s).

19  [By Hand] I directed each envelope to the party(ies) so designated on the service list  
20 to be delivered by courier this date.

21  [By Facsimile Transmission] I caused said document to be sent by facsimile  
transmission to the fax number indicated for the party(ies) listed above.

22  [By Electronic Transmission] I caused said document to be sent by electronic  
transmission to the e-mail address(es) indicated for the party(ies) listed above.

23 I declare under penalty of perjury that the foregoing is true and correct and that this  
declaration was executed this date at San Francisco, California.

25 Dated: August 1, 2011

26 /Stuart J. West/  
Stuart J. West

28 63624349 v1